

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CORY WOOLLARD, #247739,

Petitioner,

v.

Case No. 1:10-CV-14487
Honorable Thomas L. Ludington

HEIDI WASHINGTON,

Respondent.

ORDER DENYING THE PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

On November 10, 2010, Cory Woollard ("Petitioner") filed a petition for writ of habeas corpus [Dkt. #1] against Heidi Washington ("Respondent"), alleging that his Constitutional right to a speedy trial was violated. Petitioner filed a motion for appointment of counsel [Dkt. #6] on January 18, 2011. In support of his request, Petitioner alleges that he is unable to afford counsel, that he is entitled to the effective assistance of counsel, that he is untrained in the law, and that the issues in his case are complex. Respondent has not yet filed an answer to the petition or the state court record, both of which are due on or before May 18, 2011.

Petitioner has no absolute right to be represented by counsel on federal habeas review. *See Abdur-Rahman v. Mich. Dept. of Corr.*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992). "[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Petitioner has submitted his petition setting forth his claims. Neither an evidentiary hearing nor discovery are

necessary at this time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); Rules 6(a) and 8(c) of the Rules Governing § 2254 Cases.

Accordingly, Petitioner's motion for appointment of counsel [Dkt. #6] is **DENIED WITHOUT PREJUDICE**. The Court will bear in mind the request if, upon further review of the pleadings and state court record, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 1, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 1, 2011

s/Tracy A. Jacobs
TRACY A. JACOBS